

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY

Plaintiff

v.

ADP MARSHALL, INC., a FLUOR DANIEL
COMPANY and FIREMAN'S FUND
INSURANCE COMPANY

Defendants

v.

ALLIED CONSULTING ENGINEERING
SERVICES, INC., ANDOVER CONTROLS
CORPORATION, R&R WINDOW
CONTRACTORS, INC., and DELTA
KEYSPAN, INC. n/k/a DELTA
KEYSPAN, LLC, MADDISON
ASSOCIATES, INC., UNITED STATES
FIDELITY AND GUARANTY COMPANY
FIDELITY AND DEPOSIT OF MARYLAND
NATIONAL GRANGE MUTUAL
INSURANCE COMPANY, TRAVELERS
CASUALTY AND SURETY COMPANY OF
AMERICA, AMERICAN HOME
ASSURANCE COMPANY, HARTFORD
ROOFING COMPANY, INC. and
SPAGNOLO/GISNESS & ASSOCIATES,
INC.

Third-Party Defendants

C.A. NO. 04-CV-10203 PBS

ASSENTED TO MOTION TO ENLARGE TIME FOR THIRD-PARTY
DEFENDANT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TO RESPOND TO MOTION FOR SUMMARY JUDGMENT OF
DEFENDANT/THIRD-PARTY PLAINTIFF ADP MARSHALL, INC.

Third-Party Defendant Travelers Casualty and Surety Company of America

("Travelers"), herein moves this Court for an Order allowing an extension of time,

up to and including January 21, 2005, in which to respond to the Motion for Summary Judgment filed by Defendant/Third-Party Plaintiff, ADP Marshall, Inc. (hereinafter "Marshall"). As grounds therefore, Travelers states as follows:

1. On or about November 30, 2004, Marshall filed a Motion for Summary Judgment on its Third-Party Complaint Against Delta Keyspan, Inc. ("Delta").

2. Relative to the construction project at issue in this action, Travelers issued a performance bond naming Marshall as obligee and Delta as principal.

3. Pursuant to the Court's Second Scheduling Order, oppositions to motions for summary judgment are due January 7, 2005.

4. Counsel for Travelers has conferred with counsel to Marshall and has received assent to an extension of time, up to and including January 21, 2005, in which Travelers may respond to Marshall's Motion for Summary Judgment.

5. This two week extension of time will not prejudice any party as other parties have already received extensions of time in which to oppose Marshall's Motions for Summary Judgment.

Wherefore, Travelers requests that this Court grant its motion and issue an Order enlarging the time for Travelers to respond to Marshall's Motion for Summary Judgment to January 21, 2005.

ASSENTED TO:

ADP MARSHALL, INC.,

By its Attorneys

Andrew J. Tine, Esq. (BBO# 633639)
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70 Franklin Street, 9th Floor
Boston, MA 02110
Tel. (617) 428-0266

DATED: 1/6/05

RESPECTFULLY SUBMITTED:

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA

By its attorneys,

William E. O'Gara, Esq. (BBO# 555256)
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Tel. (401) 751-8500

DATED: 1/6/05

CERTIFICATION

I hereby certify that I have mailed a copy of the within first class mail, postage prepaid on 6th day of January, 2005 to the following:

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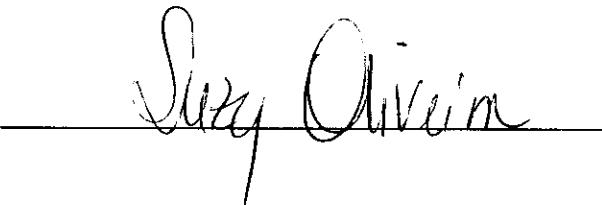
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A handwritten signature in cursive ink, appearing to read "Suzzie Oliver", is written over a horizontal line.

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